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|-------------------------------|------------------------|---------------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/804,723 | WEINBERGER, SCOT R. | |
| | Examiner | Art Unit | |
| | Bernard E. Souw | 2881 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amdt. 04/18/2005.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☒ The drawings filed on 19 March 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>0513</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>12/10/2004</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Information Disclosure Statement

1. Receipt is acknowledged of information disclosure statement (IDS) submitted on 12/10/2004. The submission is in compliance with the provisions of 37 CFR 1.97.

A signed copy of the information disclosure statement is here enclosed.

Personal Interview

2. A personal interview with Applicant's Attorneys, Mr. Jim Haley, Reg. No. 27,794, Mr. John Storella, Reg. No. 32,944 and Applicant's Technical Advisor, Mr. Tae Bum Shin, Ph.D., limited recognition under 37 CFR § 11.9(b), has been conducted on February 07, 2005, to discuss the examiner's rejection of the claims based on prior arts of record. An Interview Summary has been issued on the same day as the interview, but has been lost. A substitute Interview Summary is here enclosed.

Applicant's Amendment

3. The Amendment filed 04/18/2005 has been entered. The present Office Action is made with all the arguments being fully considered.

No claim has been cancelled or added.

Claims 1-28 remain pending in this office action.

ALLOWANCE

4. Claims 1-28 are allowed.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

A method for laser desorption ionization of an analyte, the method comprising the steps of irradiating the analyte in the presence of energy absorbing molecules at a mid-IR wavelength, wherein the irradiating wavelength is offset from the IR absorption maximum of the energy absorbing molecules, and wherein the irradiation at the off-set wavelength produces analyte ions with an excess of higher order charge states, as recited in claim 1, has not been anticipated or rendered obvious by any prior art.

Claims 2-28 are also allowed because of their dependencies, either directly or indirectly, upon claim 1.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Relevant Prior Art

7. This prior art made of record and not relied upon is considered pertinent to applicant's disclosure: (a) USPAT # 6,706,530, issued on 03/16/2004 to Hillenkamp, discloses a similar method of laser desorption ionization of an analyte for use in a mass

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spectrometer. However, Hillenkamp does not teach to use an offset irradiation wavelength to produce analyte gas phase ions with an excess of higher order charge states. (b) USPAT # 6,451,616 issued on 09/17/2002 to Odom et al. discloses a similar method of laser desorption ionization of an analyte for use in a mass spectrometer. Odom et al. also perform the irradiation at an offset IR wavelength. However, Odom's wavelength offset is made with respect to the resonant excitation frequency of the molecular bonding of analytes on a solid surface, thus promoting a desorption of selective molecules. (c) Gauthier et al. (IDS) also discloses a similar method of laser desorption ionization of an analyte for use in a mass spectrometer. However, Gauthier's offset is made in the irradiating pulse duration with respect to the collisional dissociation of the target molecules.

Communications


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard E Souw whose telephone number is 571 272 2482. The examiner can normally be reached on Monday thru Friday, 9:00 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 571 272 2477. The central fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications as well as for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

bes
May 13, 2005



JOHN R. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800